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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,281	10/15/2003	Edward A. Frank	718093.32	7200

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EXAMINER

FLETCHER III, WILLIAM P

ART UNIT	PAPER NUMBER
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1762

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/686,281	FRANK ET AL.	
	Examiner	Art Unit	
	William P. Fletcher III	1762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 13-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) ☒ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413) |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) ☐ Information Disclosure Statement(s) (PTO/SB/08) | 5) ☐ Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) ☐ Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment and remarks filed November 7, 2006 are noted.
2. Claims 1-15 remain pending.

Election/Restrictions

3. Claims 13-15 were withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on July 5, 2006.
4. Applicant's permission to cancel the non-elected claims (13-15) upon allowance of the elected claims (1-12), set-forth at page 7 of the response filed Nov. 11, 2006, is noted.

Response to Arguments

5. Applicant's arguments, see the remarks, filed Nov. 11, 2006, with respect to the rejections set-forth in the prior Office action, have been fully considered in light of the amendment filed Nov. 11, 2006 and are persuasive. The indefinite term 'detailed' has been deleted from the claims. The rejections have been withdrawn.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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7. Claims 1, 4, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Sims (US 259,724 A).

A. This reference teaches a process for the decoration of a molded article having a pattern of recessed lines therein. Paint is applied to the pattern and excess paint, not in the pattern, 'can be wiped off' (lines 50-59).

B. With respect to claim 4, insofar as the area to which the paint wash has been applied is accessible to wiping and is wiped, Sims anticipates the limitations of this claim.

C. With respect to claim 5, it is the Examiner's position that the molded article of Sims reads on 'a molded model' as recited in this claim, absent evidence to the contrary.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 2, 6-10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sims (US 259,724 A).

A. With respect to claims 2, 9, and 10, while Sims does not explicitly teach the method of mold manufacture/formation recited in these claims, it is the Examiner's position that the methods recited in these claims are well-known in the art as common and conventional methods of mold manufacture/formation.

B. With respect to claims 6-8, while Sims does not explicitly teach the use of a mask, it is the Examiner's position that the use of a mask to protect areas of a substrate from unwanted coating/painting is common and conventional in the art. Consequently, use of a mask would have been obvious to one of ordinary skill in the art as an expedient for preventing/minimizing unwanted coating/painting.

11. Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sims (US 259,724 A) as applied to claims 1 and 9 above, and further in view of Gatzke (DE 28 37 071 A1) and Hoffman (US 4,765,853 A).

A. The teaching of Sims is detailed above.

B. Sims places no particular limitation of the type of mold utilized, stating: 'The mold may be...any other material adapted for the purpose [of molding the object]' (lines 23-24).

C. Gatzke teaches that steel molds for clay articles (the object taught by Sims is a clay article) are known. Consequently, it would have been obvious to

one of ordinary skill in the art to modify the process of Sims so as to utilize a steel mold. One of ordinary skill in the art would have been motivated to do so by the desire and expectation of successfully molding the clay article.

E. Further, Hoffmann teaches that beryllium-copper mold inserts possess good thermal conductivity and is compatible with steel (4:49-66). Consequently, it would have been further obvious to modify the process of Sims in view of Gatzke so as to utilize beryllium-copper inserts in the mold to ensure good heat transmission characteristics in the mold.

Conclusion

12. The prompt development of clear issues in the prosecution history requires that applicant's reply to this Office action be fully responsive (MPEP § 714.02). When filing an amendment, applicant should specifically point out the support for any amendment made to the disclosure, including new or amended claims (MPEP §§ 714.02 & 2163). A fully responsive reply to this Office action, if it includes new or amended claims, must therefore include an explicit citation (i.e., page number and line number) of that/those portion(s) of the original disclosure which applicant contends support(s) the new or amended limitation(s).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Fletcher III whose telephone number is (571) 272-1419. The examiner can normally be reached on Monday through Friday, 0900h-1700h.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy H. Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


William Phillip Fletcher III
Primary Examiner
Art Unit 1762

January 22, 2007